

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	CIVIL ACTION: 01-CV-12257-PBS
)	
THIS DOCUMENT RELATES TO ALL)	Judge Patti B. Saris
CLASS ACTIONS)	
)	

PLAINTIFFS' MOTION TO COMPEL PRODUCTION BY BAXTER

Plaintiffs respectfully move the Court for an order a) compelling Baxter to produce within 30 days all documents and other materials called for by plaintiffs' Omnibus Requests for Production; b) extending the close of fact discovery as to Baxter to a date six months after Baxter has complied with its discovery obligations; c) providing that Baxter may not withhold any further documents responsive to plaintiffs' Omnibus Requests for Production on the basis of any objections to production, including any objections grounded on the attorney-client privilege, work-product doctrine, trial-preparation doctrine, or any similar doctrine.

This motion is supported by a memorandum of law filed of even date, together with the declaration of Elizabeth A. Fegan, with exhibits to both.

DATED: November 8, 2005

By /s/ Elizabeth A. Fegan

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CERTIFICATE OF SERVICE

I hereby certify that I, Elizabeth A. Fegan, an attorney, caused a true and correct copy of the foregoing **PLAINTIFFS' MOTION TO COMPEL PRODUCTION BY BAXTER** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on November 8, 2005, a copy to LexisNexis File & Serve for posting and notification to all parties.

By /s/ Elizabeth A. Fegan